

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CLIFFORD L. RUCKER,	:	Case No. 1:17-cv-823
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Litkovitz
vs.	:	
	:	
POLICE OFFICER HARDY, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

**DECISION AND ENTRY
ADOPTING IN PART THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 36) AND
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on July 20, 2018, submitted a Report and Recommendation. (Doc. 36). Plaintiff filed objections on November 13, 2018. (Doc. 38). Defendants The Kroger Limited Partnership I and Tom Holman filed a response to Plaintiff's objections on November 30, 2018. (Doc. 39).

After reviewing the Report and Recommendation, Plaintiff's objections, and the case record, the Court finds that Plaintiff's objections are not well-taken.

When Plaintiff was granted *in forma pauperis* status in connection with a civil complaint on December 12, 2017, Plaintiff was ordered to promptly notify the Court of any changes in his address which may occur during the pendency of this lawsuit. (Doc. 2). On August 6, 2018 and September 14, 2018, mail containing the Magistrate Judge's

July 7, 2018 Report and Recommendation (Doc. 30) and this Court's Order Adopting that Report and Recommendation (Doc. 33) addressed to Plaintiff were returned by the Post Office marked as "Return to sender – Not deliverable as addressed – Unable to forward." (Docs. 31, 34). On October 11, 2018, the Magistrate Judge issued an Order to Plaintiff to show cause why his case should not be dismissed for want of prosecution within fifteen (15) days of that Order. (Doc. 35)

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation should be and is hereby **ADOPTED** in its entirety as the Court finds that Plaintiff's complaint should be dismissed for want of prosecution with prejudice.

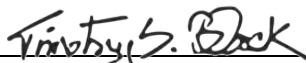
Accordingly, for the reasons stated above:

- 1) Plaintiff's complaint (Doc. 3) is **DISMISSED** with prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b).

The Clerk shall enter judgment accordingly, whereupon this case is terminated in this Court.

IT IS SO ORDERED.

Date: 1/15/19



Timothy S. Black
United States District Judge